

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA

for ^{FILED} Danville
MAR 12 2008

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

United States of America)

v.)

Gerald Lewis Flood)

Date of Previous Judgment: January 8, 2002)

(Use Date of Last Amended Judgment if Applicable))

Case No: 4:01CR70059-001

USM No: 09260-084

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 92 months is reduced to Time Served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: I

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Previous Guideline Range: 87 to 108 months

Amended Guideline Range: 70 to 87 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

The Government has objected to a reduction based on aspects of Defendant's pre- and post-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range and that the post-sentencing conduct is adequately addressed by Bureau of Prisons procedures, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

Except as provided above, all provisions of the judgment dated 1/8/2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 12, 2008

Norman K. Moon
Judge's signature

Effective Date: March 22, 2008
(if different from order date)

Norman K. Moon, United States District Judge
Printed name and title